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APR 14 2008

PTO/SB/21 (10-07)

Approved for use through 10/31/2007. OMB 0851-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

8

Application Number	09/865,229
Filing Date	May 25, 2001
First Named Inventor	Donald R. Yovetl, Jr.
Art Unit	3/21
Examiner Name	Paul R. Durand
Attorney Docket Number	ACP 2-021

ENCLOSURES (Check all that apply)

- ☒ Fee Transmittal Form
- ☐ Fee Attached
- ☐ Amendment/Reply
 - ☐ After Final
 - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/Incomplete Application
 - ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☒ Petition
 - ☐ Petition to Convert to a Provisional Application
 - ☐ Power of Attorney, Revocation
 - ☐ Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
- ☐ Landscape Table on CD

- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please identify below):
Declaration under 37 CFR Section 1.137 or alternatively under 37 CFR Section 1.137 (b).

Remarks

The Director is hereby authorized to charge any additional fee(s) or underpayments of fee(s) or credit any overpayments to Deposit Account No. 13-4830 under name of Mueller Smith, A Legal Professional Association.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Mueller Smith, A Legal Professional Association		
Signature			
Printed name	Jerry K. Mueller, Jr.		
Date	April 14, 2008	Reg. No.	27,576

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Fax to 571-273-8300

Signature			
Typed or printed name	Jane Keeney	Date	April 14, 2008

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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TRANSMITTAL FORM	Application Number	09/865,228
	Filing Date	May 25, 2001
	First Named Inventor	Donald R. Youell, Jr.
	Art Unit	3721
	Examiner Name	Paul R. Durand
	Attorney Docket Number	ACP 2-021
(to be used for all correspondence after initial filing)		
Total Number of Pages in This Submission	8	

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Declaration under 37 CFR Section 1.137, or alternatively under 37 CFR Section 1.137 (b).
Remarks The Director is hereby authorized to charge any additional fee(s) or underpayments of fee(s) or credit any overpayments to Deposit Account No. 13-4830 under name of Mueller Smith, A Legal Professional Association.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Mueller Smith, A Legal Professional Association		
Signature			
Printed name	Jerry K. Mueller, Jr.		
Date	April 14, 2008	Reg. No.	27,576

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: Fax to 571-273-8300			
Signature			
Typed or printed name	Jane Keeney	Date	April 14, 2008

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PTO/SB/17 (10-07)

APR 14 2008

Approved for use through 08/30/2010. OMB 0651-0032

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004,
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2008

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 770.00

Complete if Known

Application Number	09/865,229
Filing Date	May 25, 2001
First Named Inventor	Donald R. Youell, Jr.
Examiner Name	Paul R. Duranc
Art Unit	3721
Attorney Docket No.	ACP 2-021

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 13-4830 Deposit Account Name: Mueller Smith, A Legal Professional Association

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	310	155	510	255	210	105	
Design	210	105	100	50	130	65	
Plant	210	105	310	155	160	80	
Reissue	310	155	510	255	620	310	
Provisional	210	105	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	210	105
Multiple dependent claims	370	185
Total Claims	Extra Claims	Fee (\$)
- 20 or HP = _____ x _____ = _____		
HP = highest number of total claims paid for, if greater than 20.		
Indep. Claims	Extra Claims	Fee (\$)
- 3 or HP = _____ x _____ = _____		
HP = highest number of independent claims paid for, if greater than 3.		

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets - 100 = **Extra Sheets** / 50 = **Number of each additional 50 or fraction thereof** x **Fee (\$)** = **Fee Paid (\$)**

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Petition to Revoke

770.00

SUBMITTED BY

Signature 	Registration No. (Attorney/Agent) <u>21,576</u>	Telephone <u>614-436-0600</u>
Name (Print/Type) <u>Jerry K. Mueller, Jr.</u>	Date <u>April 14, 2008</u>	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2008

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 770.00

Complete if Known

Application Number	09/865,229
Filing Date	May 25, 2001
First Named Inventor	Donald R. Youell, Jr.
Examiner Name	Paul R. Duranc
Art Unit	3721
Attorney Docket No.	ACP 2-021

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 13-4830 Deposit Account Name: Mueller Smith, A Legal Professional Association

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) ☒ Credit any overpayments

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1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
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Design	210	105	100	50	130	65	
Plant	210	105	310	155	160	80	
Reissue	310	155	510	255	620	310	
Provisional	210	105	0	0	0	0	

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Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	210	105
Multiple dependent claims	370	185

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims
- 20 or HP =	x	=		Fee (\$)
				Fee Paid (\$)

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 3 or HP =	x	=	

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

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Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Petition to Revoke

Fees Paid (\$)

770.00

SUBMITTED BY

Signature	Registration No. (Attorney/Agent) 27,576	Telephone 814-436-0600
Name (Print/Type) Jerry K. Mueller, Jr.		Date April 14, 2008

This collection of information is required by 37 CFR 1.736. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Appl. No. 09/865,229
Amendment dated 14 April 2008
Reply to Office Action of 10 August 2007

APR 14 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Donald R. Youell, Jr., et al.
Serial No. : 09/865,229
Filed: : May 25, 2001
For: : Automobile Part Shipping System and Method
TC/AU : 3721
Examiner : Paul R. Durand
Attorney Docket No. : ACP 2-021

HONORABLE COMMISSIONER FOR PATENTS
MAIL STOP PETITIONS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

PETITION TO REVIVE UNDER 37 C.F.R. § 1.137(a) or
ALTERNATIVELY UNDER 37 C.F.R. § 1.137(b)

Sir:

Applicants hereby petition to revive the above-identified application under 37 C.F.R. § 1.137(a). The undersigned only learned on 10 April 2008 that the decision by the Board of Patent Appeals and Interferences (the "Board") issued a decision on Applicant's appeal having a decision date of August 10, 2007. Neither the Board's decision nor subsequent Notice of Abandonment were received by the undersigned. A declaration by the undersigned in support of this petition is attached to this petition. Specifically, the undersigned states that he is responsible for and does open all mail received by his law firm and is responsible for and does enter all docketing information (due dates) on the firm's proprietary database. The undersigned states that neither the Board's decision nor subsequent Notice of Abandonment were received by the firm, neither are found in the firm's file for this application, and no docketing dates were entered on the firm's database. Thus, neither the undersigned nor his firm received the Board's decision or subsequent Notice of Abandonment. Thus, the need for this petition so that Applicant can decide on filing a divisional application, a continuing application, or such other action, as is appropriate.

If the petition under § 1.137(a) is not granted, Applicant hereby petitions to revive the above-identified application under 37 C.F.R. § 1.137(b). The requisite fee of \$770

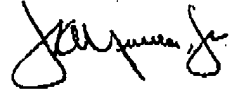
04/14/2008 PCHOMP 00000013 134830 09865229

01 FC:2453 770.00 DA

Appln. No. 09/865,229
Amendment dated 14 April 2008
Reply to Office Action of 10 August 2007

under 37 C.F.R. § 1.17(m) can be charged against the undersigned's deposit account.
A duplicate copy of this petition is enclosed for that purpose.

Respectfully submitted,



Date: 14 April 2008

Jerry K. Mueller, Jr.
Reg. No. 27,576
MUELLER SMITH
A Legal Professional Association
Mueller-Smith Building
7700 Rivers Edge Drive
Columbus, Ohio 43235-1355
Tel.: 614-436-0600
Fax: 614-436-0057
email: smueller@muellersmith.com

APR 14 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Donald R. Youell, Jr., et al.
Serial No. : 09/865,229
Filed: : May 25, 2001
For: : Automobile Part Shipping System and Method
TC/AU : 3721
Examiner : Paul R. Durand
Attorney Docket No. : ACP 2-021

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ALEXANDRIA, VA 22313-1450

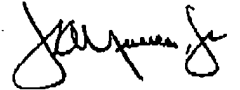
**DECLARATION IN SUPPORT OF PETITION TO REVIVE UNDER 37 C.F.R. § 1.137(a)
or ALTERNATIVELY UNDER 37 C.F.R. § 1.137(b)**

Declarant, Jerry K. Mueller, Jr., does declare and state that:

1. He is attorney of record for Applicants in the above-identified application;
2. He is responsible for and does open all mail received by his law firm, Mueller Smith, A Legal Professional Association;
3. He was reminded by Applicant on April 10 that the application was still pending;
4. He logged onto Private Pair on April 10 and discovered that the Board's decision had been rendered on August 10, 2007 and that a notice of abandonment subsequently had been mailed on October 25, 2007;
5. He then reviewed the firm's file on the application and discovered that it did not contain the Board's decision or the notice of abandonment;
6. He then looked at the firm's database and learned that no docketing information on the Board's decision or the notice of abandonment was contained therein;
7. He also has no memory of receiving the Board's decision or the notice of abandonment;
8. Therefor, he states that the firm did not receive the Board's decision or the notice of abandonment;
9. All statements made herein of her own knowledge are true and all statements made on information and belief are believed to be true, and further that these

statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

FURTHER DECLARANT SAYETH NAUGHT.



Date: 14 April 2008